



September 30, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th St., SW  
Washington, DC 20554

Re: *Ex parte* presentation in MB Docket No. 02-230

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, I write to report an *ex parte* meeting with a staff member of the Commission in connection with the above-referenced proceeding.

On September 30, 2003, Commission staff spoke by telephone *ex parte* with Fred von Lohmann, representing the Electronic Frontier Foundation (EFF). Present on the phone call was the following Commission staff: Anthony Dale, legal advisor to Commissioner Martin.

Our discussion concerned the proposed broadcast flag solution that is being considered by the Commission in MB Docket 02-230.

Sincerely,

/s/

Fred von Lohmann  
Senior Intellectual Property Attorney  
(415) 436-9333 x123  
fred@eff.org